

AF/2800
#9/A
(AJE)
4-4-03
Hayes

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Thomas Malzahn

Appln. No. : 09/901,636

Filed : July 11, 2001

For : DEVICE FOR DETERMINING THE
FILLING LEVEL OF A FILLING
MATERIAL IN A CONTAINER

)
)
) Art Unit: 2856
)
) Ex: A. Jackson
)
) Box AF
)
)

REQUEST FOR RECONSIDERATION WITH AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The following amendment and accompanying remarks are being submitted
pursuant to the provisions of 37 CFR 1.116 in a bona fide attempt to place this application in
condition for allowance.

IN THE CLAIMS:

Please add the following new claim:

11. (New) The device as defined in claim 1, wherein the dimensions and shape of
said cutouts are defined in the planar direction in said first dielectric layer.

REMARKS

Receipt of the Office Action of January 29, 2003 is gratefully acknowledged.

Claims 1-10 were presented for re-examination. These were finally rejected as
unpatentable under 35 USC 103 over Locke in view of Bellee et al. In his rejection, the examiner

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